

Case # 21 cv 116

pro se

Austin E. Lightfeather v. BSDC, et al

Date February 21, 2024 (Wednesday)

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Case: Open

FEB 26 2024

CLERK
U.S. DISTRICT COURT

Here comes now the civil matter which originated in the US District court with Judge Richard Kopf, a federal case that was stayed awaiting lower court results in the criminal matter of CR 20-69 which included (3) felony assault charges that were all dismissed on March, 23rd 2023 in Gage county, District court. with Judge Rick Shriener. The testimony the ten state employees presented from (BSDC) didn't correlate with one another, and each civil defendants story didn't match up with each other. The CR 20-115 was a separate matter from CR 20-69 all together. one originated at the location and property of BSDC the developmental center and the other originated in the jail after I claimed wrongful arrest without probable cause to detain me. my actions that had evidence for were held accountable and I received 6 months for, which wouldn't of taken place, had if the wrongful arrest did not occur. I was sent to the county jail based on all lies →

in the Gage county jail and spitting at an officer were held against me; I did not spit on the officer I spit at the officer. CR 20-115 Obstruction of Government operations was dismissed as well.

I was sentenced to six months to run concurrent from March 23rd, 2023 to September 23, 2023 which I have since completed.

The Beatrice state Developmental center employees assaulted me with violence under case 8:21 cv 116

Lightfeather v. BSDC where I sue for \$1,000,000 Million in relief; which CR 20-69 was dismissed all together by Gage county, NE. Judge Rick Shriener of: 612 Grant Street Beatrice, NE. 68310.

These employees traumatized me as described in my case under review by Judge Richard G. Kopf who retired in "2022", which he stayed my case pending lower court ruling, from Beatrice, NE. which the ruling in the matter of BSDC CR 20-69 was dismissed, had the state employees not of lied on me about the assault.

I never would've been sent to the "jail" to break a window and spit at an officer to receive new unrelated charges which occurred as a "second hand" matter CR 20-115. which due to the lies from (BSDC) employees CR 20-69, and CR 20-69 being dismissed I should be compensated for relief in 8:21 cv 116.

This trauma I described to Judge Kopf was probable to shock the conscience for him to stay the matter verses him dismissing the civil matter.

The lead Investigator Mapper Howard of the Nebraska state patrol "Seth Howard", took the stand at my Preliminary Hearing while I was on bond. He went back in forth in his testimony against me as the defendant, and admitted on the stand that 10 ten state employees' testimonies did not match up with one another. The case was reviewed by the Gage County District Judge who thru it out based on lack of physical evidence and not having a related factual conciese story that matched up with each civil defendant, and the charges were reversed.

The County Court however sentenced me to six months with Gage County Judge Jeffrey Berhob, for actions that steered from the false arrest. I was angry about. I was beat and then arrested and sent to the jail; Had the police of let me go as they should have my fear and anger mould it of drove me to breaking a jail window or spitting at an arresting officer, which the officer that cuffed me called me a "Retard", before I spit at him.

This officer watched me get beat by Alex an employee for "BSDC", and a civil defendant without stopping the abuse. Both cases are separate from one eachother, 20-69 is one case, 20-115 is another case; 20-69 is a felony case, 20-115 is a misdemeanor case. "20-69" was dismissed because I was innocent of any wrong doing.

In my civil case I request for the BSDC employees to be tried and punished in the court of law

with compensation of \$ 1,000,000 [one million] dollars, for the actions of case no. CR 20-69. Both are separate matters regards to CR 20-115 and CR 20-69.

Had the state employees not of lied on me to be sent to the jail, and discharged me from BSDC to my family; I never would've been placed in the jail to break a window or spit at the officer who stood by watching me be assaulted by these employees.

Some type of compensation should be granted by the Federal courts after this injustice took place by the [state courts], The Federal courts need not to act prejudice in this matter.

The dismissal of charges alone in CR 20-69 indicates an injustice occurred, had I of been in the wrong and acted as each defendant claimed I would've been convicted & sentenced, by law.

This case was stayed pending 30 day review and the Federal courts have not responded with in [March 23rd, 2023 to April 23rd, 2023].

I served six months for CR 20-115 that didn't involve the civil defendants, The criminal charges that involved the civil defendants in CR 20-69 were dismissed against me. In my claim I seek [7 million] dollars for the actions of BSDC employees, and their arrest by local officials to be tried.

If the Federal courts choose not to compensate me for this injustice based on CR 20-115 →

I believe the Federal Courts can not avoid CR 20-69 being dismissed and must address this issue, and grant me compensation of relief of some kind; CR 20-115 is not the same as CR 20-69 and involves (2) very different events. I believe for my pain and suffering in this case, I deserve at the least \$500,000.00 [Five Hundred Thousand Dollars.] $\frac{1}{2}$ of \$1,000,000.00 million dollars, to make this matter right. Anything short or shy of this request is an injustice based on the lies these employees were caught in who are intrusted to care for vulnerable adults by the state of Nebraska. which the Federal US District Court of Nebraska has jurisdiction in, to award me compensation in this Federal civil matter. CR 20-69 originated on February 21, 2020 (Friday). CR 20-115 originated March 8th, 2020 while I was in the jail wrongfully, which the dismissal in CR 20-69 is proof of this.

I request that I receive an answer and proper review to which results in a final decision; I sued the state for 8th Amendment violation of cruel & unusual torture and 5th Amendment due process violation; which includes 14th Amendment "Equal Rights violation". I was tortured and sent to jail by my accusers false testimony, that lacked probable cause for arrest. Four out of six charges were dismissed against me.

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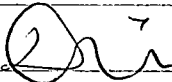
which included all of CR 20-69. The prosecutor Michael Wilhelm came up with the deal to drop all felony charges in CR 20-69, that I accept my actions in CR 20-115 that stemmed from the jail, which I did and completed [six months] of incarceration.

It's only right that these state employees accept their actions for what they did Feb. 21, 2020 after I accepted mine in case CR 20-115.

As stated before [I was Afraid and Angry] while wrongfully incarcerated for something I did not do, and claimed that I did, by my civil defendants.

I deserve something out of this injustice, whether it's \$1 million dollars or \$500,000.00 dollars in damages, or my freedom from my current incarceration. The state of Nebraska has a guideline of statutes for [wrongful conviction], [wrongful Arrest], when a case is overturned such as CR 20-69 which placed me in the jail to gain extra charges, when these charges may not even exist had CR 20-69 not of been generated against me for CR 20-115 to occur. I was called racial slurs while being punched, by employees with closed fists; and choked by employee Alex and lied on by all ten BSDC employees. The statute for overturned cases allows for the defendant to sue for monetary damages in Nebraska. unlike other states such as →

Such as Minnesota and Alabama;
Please review my civil matter with care;
under normal circumstances of a civil
matter in reflection to abnormal circumstances;
I never would've spit at an officer had he
not of called me a "retard", and watched
the abuse happen without stepping in;
nor would I of broken a window.
But these are not normal circumstances
these are grave injustices that later proved
my innocents.

Signed: A. E. 

NO. # 216000

Date: 02-21-2024

Notice: This correspondence was mailed from an institution operated by the Nebraska Department of Corrections. Its contents are uncensored.

Inmate Name # Austin Lightfeather

Inmate # 216000

P.O. Box 999 22800

Teaumsch, NE 68542

Lincoln

OMAHA NE 680

23 FEB 2024 PM 4 L

Nebraska

Federal

US District Court

111 S. 18th plaza

Suite 1152

Omaha, NE. 68102

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U.S. DISTRICT COURT

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